

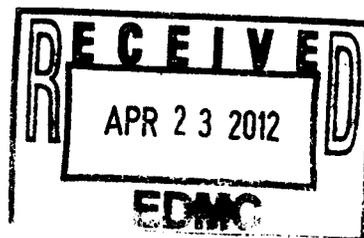


**Department of Energy**  
 Richland Operations Office  
 P.O. Box 550  
 Richland, Washington 99352

APR 19 2012

12-EMD-0061

Mr. E. J. Kowalski, Director  
 Office of Compliance and Enforcement  
 United States Environmental Protection Agency  
 Region 10  
 1200 Sixth Avenue, Suite 900  
 Seattle, Washington 98101-3140



Dear Mr. Kowalski:

**“OPPORTUNITY TO PROVIDE INFORMATION ON POTENTIAL TSCA/PCB VIOLATIONS HANFORD CENTRAL WASTE COMPLEX OUTDOOR STORAGE AREA”**

On April 3, 2012, the U.S. Environmental Protection Agency (EPA) sent a letter to the U.S. Department of Energy Richland Operations Office (RL) with the stated purpose to “provide Energy the opportunity to provide the EPA any additional information relevant to the applicability of TSCA requirements to this release, and to request documentation from Energy regarding compliance with the requirements of 40 CFR 761.61 and/or 40 CFR Subpart G (PCB Spill Cleanup Policy).”

The letter indicates that EPA believes that the material in question meets the definition of Polychlorinated biphenyl (PCB) remediation waste subject to cleanup and disposal in accordance with 40 CFR 761.61. RL chose not to execute the 40 CFR Part 761.120, Subpart G PCB Spill Cleanup Policy because radioactivity, not PCBs, was detected outside the box and by the time PCBs were detected in the samples, the time frame for implementing the Policy actions had passed. However, when sampled, the PCBs found were less than the regulatory cleanup levels discussed in the Toxic Substances Control Act of 1976 (TSCA) regulations. At this time, RL believes the “release” EPA refers to in the letter may be precipitation run-off (e.g., snow/rain) that emanated from outside of the container. However, DOE has not yet made definitive conclusions regarding: 1) the source of the radiological contamination; 2) the source of the PCBs found through laboratory analysis; or 3) that there was no release from the box.

40 CFR 761.61 allows for cleanup of PCB remediation waste based on the concentration at which the PCBs are found. The “as found” concentration of the PCBs found on the outside Container 231ZDR-11 was identified as 220 ug/l (ppb), which is well below the cleanup levels for low occupancy areas of  $\leq 25$  ppm as identified in 40 CFR 761.61(a)(4)(i)(B). According to the EPA PCB Quality & Assurance Manual, page 75, the “as found” concentration is the “concentration of the PCBs in the waste at the site at the time the waste is discovered, as opposed to the concentration of the PCBs in the material that was originally spilled.” Also, in the Manual on page 76, it is stated that “all types of remediation waste are regulated based on their as-found concentrations.” Finally, page 83 indicates that “soil containing  $< 1$  ppm PCBs is unregulated for disposal under TSCA whether you leave it on-site or remove it from the site.”

APR 10 2012

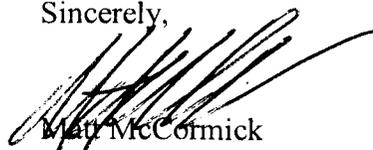
No further action should be necessary after RL has taken the proposed actions to clean this site based on the following: (1) all media potentially contaminated with PCBs will be removed under 40 CFR 761.61(b) for disposal as PCB waste; and (2) there has been no evidence indicating that the contamination site contains any PCBs above any of the cleanup levels of 40 CFR 761.61(a)(4). Furthermore, the PCB levels are below the cleanup levels for low and high occupancy areas. See 40 CFR 761.61 (a)(4).

EPA also indicated that "aqueous liquids contaminated with PCBs are subject to the decontamination standards of 40 CFR 761.79(b)(1)." 40 CFR 761.79(a) establishes decontamination standards for removing PCBs from water, organic liquids, non-porous surfaces, and non-porous surfaces covered with a porous surface. These provisions are not mandatory, but are intended for decontamination of materials prior to placing them in commerce or for use or re-use. RL has no interest in using the waste generated from this radiological contamination event. Therefore, the decontamination standards will not be applied to any of the materials. Instead, RL will take a conservative approach and dispose of the radiological contamination (including all potentially PCB-contaminated materials generated from the event) as Radioactive/PCB wastes in accordance with DOE O 435.1 and 40 CFR 761.61(b).

The EPA letter also addresses a PCB mark present on the east end of Container 231ZDR-11 in a photograph taken on February 21, 2012, during a Washington State Department of Ecology inspection, but not present in a photograph taken on February 9, 2012, during a Washington State Department of Health inspection. The letter requests an explanation or documentation concerning why this mark was not visible in the earlier photograph. On February 6, 2012, a High Contamination Area/Airborne Radiation Area (HCA/ARA) was created around the container due to discovery of radioactive contamination. On February 10, 2012, a PCB mark was placed on the east end of the container to facilitate future weekly Resource Conservation and Recovery Act of 1976 (RCRA) inspections by the Central Waste Complex (CWC) operations personnel. This allowed operations personnel to observe the mark from outside the HCA/ARA boundary (the only side entirely visible from outside the boundary), to avoid donning the necessary protective clothing and respiratory protection and incurring an undesirable radiological dose. Weekly RCRA inspection records for the CWC Expansion Area before February 6, 2012, indicate no anomalies in the container marking/labeling (i.e., intact, un-obscured, legible and in good condition). Prior to the February 6, 2012, contamination event, there was no need for a PCB mark on the east side of the box because weekly inspections were readily performed by closely approaching the container. Additionally, photographs taken in 2009 during the shipment to CWC show two sides of the container labeled with PCB marks. There is no requirement to label all sides of a container. The label identified by EPA as being added later was added to an already labeled container as a matter of convenience and safety.

If you have any questions, please contact me, or your staff may contact Ray J. Corey, Assistant Manager for Safety and Environment, on (509) 376-0108.

Sincerely,



Matt McCormick  
Manager

EMD:ACM

cc: See Page 3

Mr. E. J. Kowalski  
12-EMD-0061

-3-

APR 19 2012

cc: J. G. Lehew III, CHPRC  
M. N. Jaraysi, CHPRC  
R. T. Swenson, CHPRC  
Environmental Portal, LMSI, A3-95  
Administrative Record, TSD: CWC  
HF Operating Record (J. K. Perry, MSA, H7-28)